

Hidden Cameras Used In Pentagon Toilets

12/17/66

By Jim Hoagland
Washington Post Staff Writer

Defense Department investigators with cameras have concealed themselves in the men's rest rooms of the Pentagon and photographed homosexual acts. The Washington Post learned yesterday.

It was not immediately clear how wide-spread the photographing is, or who controls it. A Defense Department spokesman asked these questions said. "This requires a great deal of research. We will have an answer next week."

But a high level official of the Office of Naval Intelligence confirmed that the agency uses such photographs in investigating alleged homosexuality cases.

"It is evidence, and we can't refuse evidence," he said. "But we don't make the photographs. I don't know who does." A reporter, who asked to be referred to someone who would know, was told, "I doubt that anybody would commit themselves on that."

American Civil Liberties Union officials quickly condemned the practice. William Warfield Ross, chairman of the Washington branch of the ACLU, termed it "objectionable . . . a form of blackmail . . . the kind of snooping in which public authorities should not engage."

The activity was exposed yesterday in a decision handed down by the U.S. Court of Claims. The Court upheld a claim for \$235 in back pay for a former Marine sergeant, who received an undesirable discharge in 1958.

The Court assailed the Navy for using questionable investigative techniques, fraudulently obtaining a confession and providing the accused with "inferior (and) . . . inept" legal advice.

The 46-year-old former serv-

iceman, who was a Marine for 17 years, was questioned on March 28, 1958, by two Naval investigators who accused him of committing homosexual acts in a second floor men's room at the Pentagon.

The agents showed the accused "a photograph of an unidentified man in a compromising situation in a toilet stall allegedly in the same men's room," the Court decision said. "thus planting in (the sergeant's) mind the prospect that concealed cameras making a photographic record of his own actions would make denials of his misconduct useless."

The photograph was made by either a Pentagon policeman or an Army investigator concealed in the ceiling crawl space of the toilet, the decision stated.

But, the Court said, the agents did not, in fact, have a photograph of the sergeant. Nor did they have eyewitnesses who had seen him engage in homosexual acts. The agents were proceeding "only by hearsay," the Court held.

Even so, the agents were able to pressure the sergeant into signing a confession, according to the decision, and then told him that unless he resigned from the service under terms that would net him an undesirable discharge, he would be courtmartialed.

Non-Lawyer Appointed

The Navy appointed a non-lawyer to advise the sergeant, and after consulting with him for only a few minutes, the adviser urged him to accept an undesirable discharge. The Court struck down the undesirable discharge as invalid.

The ruling does not restore the ex-serviceman to duty, but opens the way to an appeal for retirement benefits.